



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

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DA 07-2038  
Released: May 9, 2007

## DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF CLARKS TELECOMMUNICATIONS CO., CLARKS TELECOM LONG DISTANCE, AND CLARKS TELECOM CO. TO NORTHEAST NEBRASKA TELEPHONE COMPANY

### STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 07-98

Comments Due: May 23, 2007  
Reply Comments Due: May 30, 2007

On May 1, 2007, Clarks Telecommunications Co. ("CTC"), Clarks Telecom Long Distance ("CTLTD"), Clarks Telecom Co. ("Clarks Telecom") and Northeast Nebraska Telephone Company ("Northeast") (together, "Applicants") filed the following application pursuant to section 63.03 of the Commission's rules<sup>1</sup> requesting approval to transfer control of Clarks Telecom and its wholly owned subsidiaries, CTC and CTLTD, to Northeast. CTC, a Nebraska corporation, is an incumbent local exchange carrier ("incumbent LEC") operating approximately 900 access lines in the towns of Clarks, Ulysses, and Staplehurst, Nebraska. CTLTD, a Nebraska corporation, is a resale interexchange carrier providing resold long distance in the service area of CTC. Clarks Telecom, a Nebraska corporation, is a holding company. Clarks Telecom is owned by Timothy D. Bittinger Trust ("TDBT") and Cynthia L. Bittinger Trust ("CLBT"), both U.S. citizens.<sup>2</sup> Northeast, a Nebraska non-profit corporation, is a telephone cooperative operating as an incumbent LEC in eastern Nebraska with approximately 7,000 access lines. Northeast has no 10% or greater interest holders. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under sections 63.03(b)(2)(ii) and (iii) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.<sup>3</sup>

<sup>1</sup> 47 C.F.R. §§ 63.03; see 47 U.S.C. § 214.

<sup>2</sup> TDBT and CLBT are Nebraska revocable trusts that each hold a 50% of Class A voting stock and 46.05% of Class B non-voting stock interest in Clarks Telecom. The trustees of the TDBT are Timothy D. Bittinger and Cynthia L. Bittinger. The beneficiaries of the TDBT are members of Timothy D. Bittinger's immediate family, each are U.S. citizens or trusts formed under Nebraska law for benefit of the family members. The trustee of the CLBT is Cynthia L. Bittinger. The beneficiaries of the CLBT are members of Cynthia L. Bittinger's immediate family, each are U.S. citizens or trusts formed under Nebraska law for benefit of the family members.

<sup>3</sup> 47 C.F.R. §§ 63.03(b)(2)(ii) and (iii).

## **GENERAL INFORMATION**

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 CFR § 63.03(a), interested parties may file comments **on or before May 23, 2007** and reply comments **on or before May 30, 2007**. Unless otherwise notified by the Commission, Applicants are permitted to transfer the assets a related control on the 31<sup>st</sup> day after the date of this notice.<sup>4</sup> Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- **For ECFS filers,** if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East

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<sup>4</sup>Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

**You** may submit comments, identified by the above noted docket number, by any **of** the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Federal Communications Commission's Web Site: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202-418-0530 or TTY: 202-418-0432.

In addition, one copy **of** each pleading must be sent **to** each **of** the following:

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, [www.bcpweb.com](http://www.bcpweb.com); phone: (202) 488-5300 fax: (202) 488-5563;
- 2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A103, Washington, D.C. 20554; email: [Tracey.Wilson-Parker@fcc.gov](mailto:Tracey.Wilson-Parker@fcc.gov);
- 3) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B155, Washington, D.C. 20554; e-mail: [dennis.johnson@fcc.gov](mailto:dennis.johnson@fcc.gov).
- 4) **Susan** O'Connell, Policy Division, International Bureau, 445 12th Street, S.W., Room 7-B544, Washington, D.C. 20554; email: [susan.o'connell@fcc.gov](mailto:susan.o'connell@fcc.gov); and
- 5) Jim Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: [jim.bird@fcc.gov](mailto:jim.bird@fcc.gov).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail [www.bcoiweb.com](http://www.bcoiweb.com).

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For further information, please contact Tracey Wilson-Parker at (202) 418-1394, or Dennis Johnson at (202) 418-0809.